

## Assembly Bill No. 2088

### CHAPTER 579

An act to amend Sections 25121 and 25124 of, and to add Section 25116.5 to, the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 15, 1996. Filed  
with Secretary of State September 17, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2088, Alpert. Hazardous waste: recycled material.

Existing law defines the terms "recycled material" and "waste" for purposes of the hazardous waste control laws. Existing law subjects recyclable materials to the requirements of the hazardous waste control laws, unless the Department of Toxic Substances Control issues a variance or unless the material meets specified requirements.

This bill would revise the definition of the term "recycled material" to exclude an intermediate manufacturing process stream, as defined. The bill would exclude from the definition of "waste" a discarded material that is such an intermediate manufacturing process stream.

*The people of the State of California do enact as follows:*

SECTION 1. Section 25116.5 is added to the Health and Safety Code, to read:

25116.5. "Intermediate manufacturing process stream" means a material, or combination of materials, that meets all of the following conditions:

- (a) It is produced as part of the manufacturing process.
- (b) It is used onsite on a batch or continuous basis, in either the same or in a different manufacturing process to produce a commercial product.
- (c) It is not a recyclable material.
- (d) The person who produced the material or combination of materials is able to demonstrate all of the following:
  - (1) The material, or combination of materials, is used, alone or in combination with other materials, in a manufacturing process that is designed for its use.
  - (2) The material, or combination of materials, is not accumulated or stored in amounts greater than can be used in the manufacturing process.
  - (3) The material, or combination of materials, is not handled, stored, or processed in a manner that is inconsistent with its intended use or the operating requirements of the manufacturing process.

(e) An intermediate manufacturing process stream which has been released in violation of a hazardous waste facilities permit condition or other applicable law, regulation, or order is a discarded material, unless it has been released into an appropriate containment area or structure and has been promptly recovered and returned to the manufacturing process without prior treatment for use in the originally intended manufacturing process.

SEC. 2. Section 25121 of the Health and Safety Code is amended to read:

25121. (a) “Recycled material” means a recyclable material which has been used or reused, or reclaimed.

(b) “Recycled material” does not include an intermediate manufacturing process stream.

SEC. 3. Section 25124 of the Health and Safety Code is amended to read:

25124. (a) Except as provided in subdivision (f), “waste” means any solid, liquid, semisolid, or contained gaseous discarded material that is not excluded by this chapter or by regulations adopted pursuant to this chapter.

(b) A discarded material is any material which is any of the following:

(1) Relinquished, as specified in subdivision (c).

(2) Recycled, as specified in subdivision (d).

(3) Meets the requirements of subdivision (e).

(4) Considered inherently wastelike, as specified in the regulations adopted by the department.

(c) A material is a discarded material if it is relinquished by being any of the following:

(1) Disposed of.

(2) Burned or incinerated.

(3) Accumulated, stored, or treated, but not recycled, before, or in lieu of, being relinquished by being disposed of, burned, or incinerated.

(d) A material is a discarded material if it is recycled, or accumulated, stored, or treated before recycling, except as provided in Section 25143.2.

(e) A material is a discarded material if it poses a threat to public health or the environment and meets either, or both, of the following conditions:

(1) It is mislabeled or not adequately labeled, unless the material is correctly labeled or adequately labeled within 10 days after the material is discovered to be mislabeled or inadequately labeled.

(2) It is packaged in deteriorated or damaged containers, unless the material is contained in sound or undamaged containers within 96 hours after the containers are discovered to be deteriorated or damaged.

(f) Notwithstanding subdivision (a), a material is not a discarded material if it is an intermediate manufacturing process stream.

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